

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated July 14, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-14 are pending in the Application. Claims 1, 7 and 9 are independent claims. Claims 11-14 are added by this amendment.

Claims 1-3 and 6 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 6,470,067 to Harding ("Harding"). Claims 1, 6, 7 and 9 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 6,175,117 to Komardin ("Komardin"). Claims 7-9 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Harding in view of Komardin. Claims 4-5 and 10 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Harding in view of U.S. Patent No. 4,096,389 to Ashe ("Ashe") and U.S. Patent No. 6,377,661 to Guru ("Guru"). It is respectfully submitted that claims 1-14 are allowable over Harding alone and in any combination of Komardin, Ashe and Guru for at least the following reasons.

Each of Harding, Komardin, Ashe and Guru show a source of radiation that is not inclined with reference to a fan beam produced by the radiation source.

It is respectfully submitted that the apparatus of claim 1 is not anticipated or made obvious by the teachings of Harding and Komardin. For example, Harding and Komardin does not disclose or suggest, an apparatus that amongst other patentable elements, comprises (illustrative emphasis added) "a source of radiation; a first radiation detector; and a second radiation detector; wherein the source of radiation generates a radiation beam adapted to penetrate the object of interest in a fan plane and wherein the source of radiation is inclined with respect to the fan plane" as recited by claim 1, and as substantially recited by each of claims 7 and 9. Ashe and Guru are cited for allegedly showing other features of the claims and as such, do nothing to cure the deficiencies in each of Harding and Komardin.

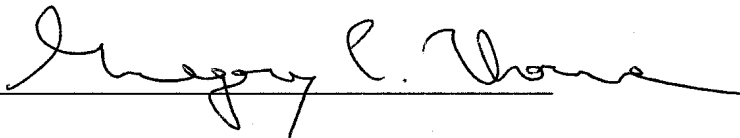
Based on the foregoing, the Applicants respectfully submit that independent claims 1, 7 and 9 are patentable over Harding and Komardin and notice to this effect is earnestly solicited. Claims 2-6, 8 and 10-14 respectively depend from one of Claims 1 and 7 and accordingly are allowable for at least this reason as well as for

the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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